

Remarks

Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached page is captioned **"Version with markings to show changes made"**.

I. Amendments

In the above referenced Office Action, the Examiner has deemed that Claims 1-19 encompass six nucleotide sequences: SEQ ID NO: 40; SEQ ID NO: 41; SEQ ID NO: 42; SEQ ID NO: 43; SEQ ID NO: 44; and SEQ ID NO: 45.

In response, Applicants have cancelled claims 4 and 6 and amended claims 1, 5, and 7. Accordingly, Applicants have elected to begin prosecution with examination of the claims comprising the MEL7 promoter. No new matter has been added by these amendments.

No fees are believed due with this communication. However, the Commissioner is hereby authorized and requested to charge any deficiency in fees herein to Deposit Account No. 50-0665.

Respectfully submitted,



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VERSION WITH MARKINGS TO SHOW CHANGES MADE

1. (Amended) An isolated nucleic acid sequence comprising [a] melon fruit-associated promoter [selected from the group consisting of a cmACO1, cmACO1/TE4, MEL7, MEL2, 6E, and 2F promoter,] MEL7, characterized by the ability to promote fruit-associated expression of a transgene to which said melon fruit-associated promoter sequence is operably linked.

5. (Amended) The isolated nucleic acid sequence [melon fruit-associated promoter] of claim 1, wherein the melon fruit-associated promoter [is a MEL7 promoter having] MEL7 has the nucleotide sequence presented as SEQ ID NO:42.

7. (Amended) A plant expression vector comprising the promoter of [any one of claims 4 to 6] claim 5.